

REMARKS

Applicants respectfully request reconsideration of this application, as amended herein. Claims 1-9 and 21-30 are pending in the application. In this amendment, Claims 1-7, 9, 21, 22, and 24-26 have been amended, and Claims 31 and 32 have been added. Therefore, Claims 1-9 and 21-32 are pending in the application. Claims 6, 7, 9, and 21-28 have been withdrawn from consideration.

Restriction/Election

The Examiner has continued his requirement that the application be restricted to several species.

Applicants respectfully continue to traverse the Examiner's restriction requirement. The invention is directed to a fastening system for panels, each panel being a three-dimensional object having a top and a bottom and at least four narrow sides. The fastening system claimed in Claim 1 has at least two pairs of opposite retaining profiles on the narrow sides and requires at least one (first) pair of opposite retaining profiles having complementary hook elements; a second pair of opposite retaining profiles may also have hook elements, or may alternatively have a different profile. Claims 1-5, 8, and 31 are directed to a first embodiment of the invention illustrated in Figures 1-4. Claims 6 and 7 are directed to a second embodiment of the same invention having additional features illustrated in Figures 5 and 5.1. Claims 9 and 21-28 are directed to a fastening system having at least two pairs of opposite retaining profiles on the narrow sides and requires at least one (first) pair of opposite retaining profiles having complementary hook elements and a second pair of opposite retaining profiles having positively engaging profiles that are assembled by rotary joining movement. Figure 13 illustrates a panel incorporating the fastening system claimed in Claims 9 and 21-28. Specific examples of alternate profiles are claimed in Claims 9 and 21-28. Accordingly, Applicants respectfully assert that only a single invention is claimed in the present application having a single independent claim with several dependent claims directed to specific forms of the invention claimed in the independent claim. Therefore, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Applicants acknowledge that when generic claim 1 is allowed, then those claims subject to the restriction requirement will also be allowed.

Drawings

The Examiner asserts that the drawings relied on for examination are from Applicants' priority document, the published International application. Applicants appreciate the Examiners diligence and submit formal drawings for consideration.

The Examiner objected to the drawings because reference character 4c points to different components. Figure 1 has been amended so that reference character points only to the hook element. The Examiner also objected to the drawings because reference character 5f should be similar to reference character 4f. Figures 2-4 have been amended to correctly indicate the hook projection. The Examiner further objected to the appearance of the fastening system depicted in Figure 1 as compared to the depiction in Figures 2 and 3 because the edges do not appear the same. Applicants assert that the difference in appearance is a function of the scale. The curvature involved has a radius of only a few millimeters. In the enlarged view of Figures 2 and 3, it is more obvious than in Figure 1. Nonetheless, the rounded feature is described in the specification on page 12, lines 22-24. Applicants respectfully request this objection be withdrawn.

The Examiner objected to the drawings because reference character 4 points to a panel with a hook projection that, in Figure 2 forms a gap (L1) with the adjacent panel and in Figure 3 does not form a gap; furthermore, because reference character 5 points to a panel with a hook projection that, in Figure 2 does not form a gap with the adjacent panel and in Figure 3 forms a gap (L1). Applicants assert that these are merely different embodiments of the same invention using the same panels and that no additional elements are described, thus the same reference characters are used. Applicants respectfully request this objection be withdrawn. The examiner also objected to reference character 12 directed to a pocket that is enclosed and a pocket that is not enclosed. Applicants disagree. Reference character 12, in all instances, points to an adhesive pocket. While sometimes the adhesive pocket is surrounded by panel material and sometimes it is not, it is always merely a pocket. Applicants respectfully request this objection be withdrawn.

The Examiner objected to the drawings because reference character 5e was not included in the drawings. Figures 2 and 3 have been amended to include the reference character.

Furthermore, Figures 2 and 3 have been amended to change reference character 6 to 16, to avoid duplication of reference characters.

The Examiner objected to the drawings because the inherent property of a narrow side of the panels was not identified with a reference character. Applicants submit new Figure 13 that includes reference characters for the narrow sides of the panel. All the features in Figure 13 are illustrated in Figures 1-3 and 6, thus it is respectfully submitted that no new matter has been entered.

Marked-up copies of Figures 1-4 are attached to highlight the drawing changes.

Specification

The Examiner objected to the specification for not containing section headings. Applicants submit herewith amendments to the specification to include the section headings and to correct typographical errors in the disclosure. No new matter has been entered.

Claims

The Examiner objected to the claims for various antecedent basis issues and clarity. Applicants have amended the claims herein to correct such antecedent basis issues and to make them easier to understand. The Examiner states that he has considered the hook element and hook projection to be the same. This is incorrect. The hook projection, element 4f in the specification, is a part of the hook element 4c, which also includes the leg 4e and incorporates the retaining profile.

Regarding Claim 30 (and newly added Claim 32), Claims 1-9, 21-29, and 31 are directed to a system having identified profiles for joining to each other, while it is described in terms of a floor panel system, it is not necessarily so limited. Claims 30 and 32 are specifically directed to panels that have the profiles of the fastening system as described in Claims 1 and Claim 9, respectively.

The Rejections under 35 U.S.C. § 112

The Examiner rejected Claims 1-8, 29, and 30 under 35 U.S.C. 112 ¶2 as being indefinite. Applicants respectfully traverse the rejection.

While the claims are written in a somewhat unconventional style, they are grammatically correct and follow all the accepted practice of U.S. claim drafting. Nonetheless, Applicants have amended the claims to make them easier for the Examiner to understand.

The Rejections under 35 U.S.C. § 102

The Examiner rejected Claims 1, 2, 4, and 30 under 35 U.S.C. 102(b) as being anticipated by French patent (sic) 2,278,876. Applicants respectfully traverse the rejection.

The figure provided by the Examiner does not actually appear in the French publication, but looks to be a fabrication created by the Examiner by copying the same figure several times and pasting the copies together to show interconnected panels. The publication drawings are not engineering drawings and thus have no indication of the dimensions of the features to determine if the panels fit closely together and bear against each other. Notwithstanding the Examiner's portrayal, it is not possible from the actual publication to determine whether any retaining surfaces actually exist on the so-called hook projections or if such retaining surfaces, if they do exist, bear against each other in the assembled condition, as required by independent Claim 1. Furthermore, from the disclosure of the French publication, it is not possible to determine whether adjacent panels fit tightly together such that a floor assembled from those panels is gap-free. A careful reading of the French publication fails to teach a hook projection having retaining surfaces that bear against complementary retaining surfaces in an assembled condition, which is a required limitation of the present invention. As the French publication neither teaches nor suggests a fastening system having such retaining surfaces, independent Claim 1 is patentably distinguished.

Claims 2, 4, and 30 depend from Claim 1 and incorporate the same limitations as Claim 1. Thus, Claims 2, 4, and 30 are patentably distinguished.

The Examiner rejected Claims 1, 3-5, 8, and 29 under 35 U.S.C. 102(e) as being anticipated by Moriau et al. [US6,006,486]. Applicants respectfully traverse the rejection.

At best, Moriau et al. shows a pair of locking elements with contact surfaces. It cannot be fairly said that the contact surfaces are inclined such that the locking elements are reduced from their free ends toward the legs. In fact, in Moriau et al., element 33, which the Examiner tries to equate to a hook projection, actually gets wider not narrower from its free end toward the leg. The present invention requires that both elements of the pair of complementary hook projections be reduced from their free ends towards the legs. As Moriau et al. neither teaches nor suggests such a construction having at least one pair of complementary hook projections that are reduced for their free ends towards the legs, independent Claim 1 is patentably distinguished.

Claims 3-5, 8, and 29 depend from Claim 1 and incorporate the same limitations as Claim 1. Thus, Claims 3-5, 8, and 29 are patentably distinguished.

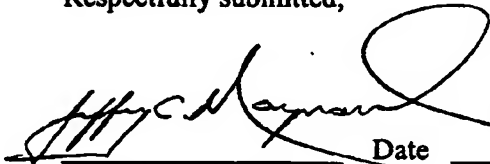
The Rejections under 35 U.S.C. § 103(a)

The Examiner rejected Claim 29 under 35 U.S.C. 103(a) as being unpatentable over the French patent (sic) 2,278,876 in view of Moriau et al. [US6,006,486]. Claim 29 depends from Claim 1 and incorporates the same limitations as Claim 1, which, as described above, is patentably distinguished from both the French publication and Moriau et al. Thus, Claim 29 is patentably distinguished.

CONCLUSION

Applicants have made a diligent effort to address the objections and rejections identified by the Examiner and respectfully submit that the outstanding objections and rejections in the Office Action have been overcome. In view of the above amendments and remarks, all pending claims are believed to be patentable, and thus, the case is in condition for allowance. Accordingly, a Notice of Allowability is respectfully requested at the Examiner's earliest convenience. In the event that there is any question concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

 6/14/04
Date

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ANNOTATED MARKED-UP DRAWINGS

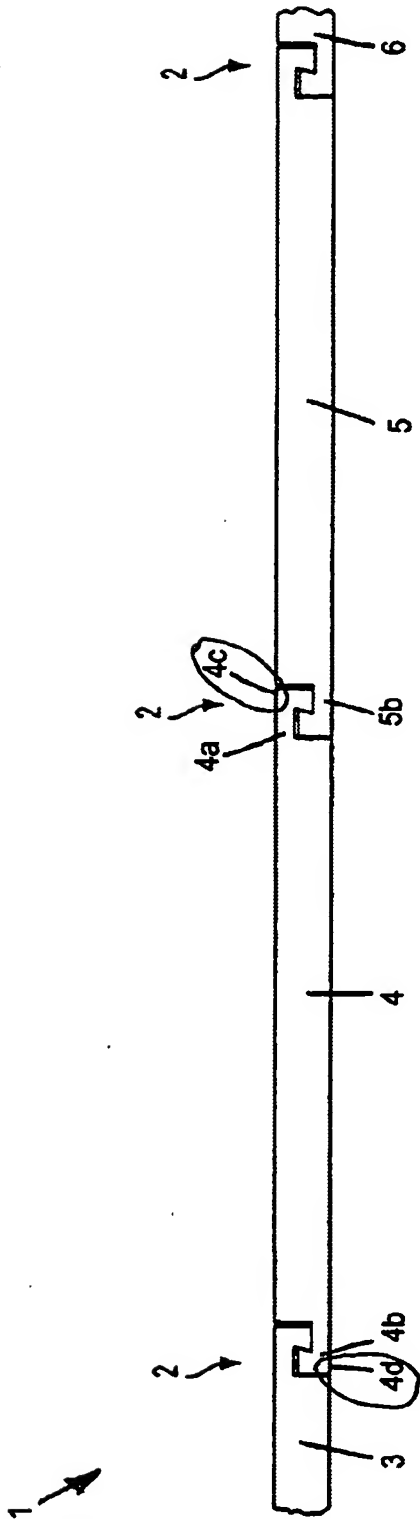


FIG. 1



FIG. 2

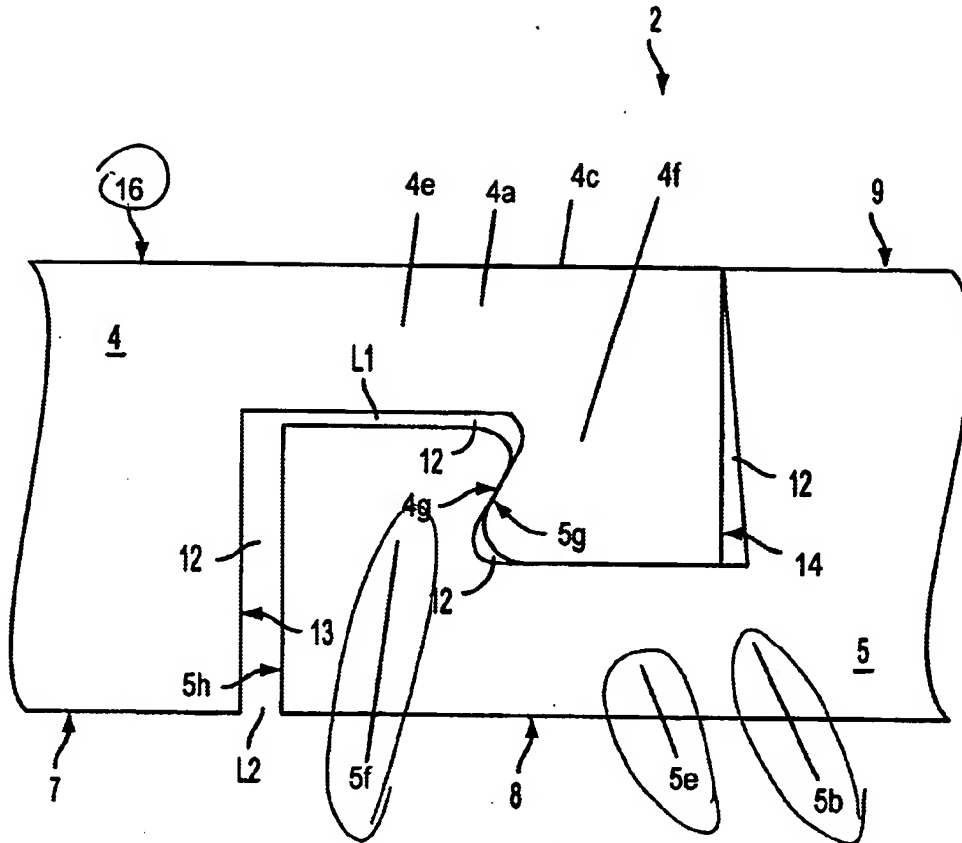


FIG. 3

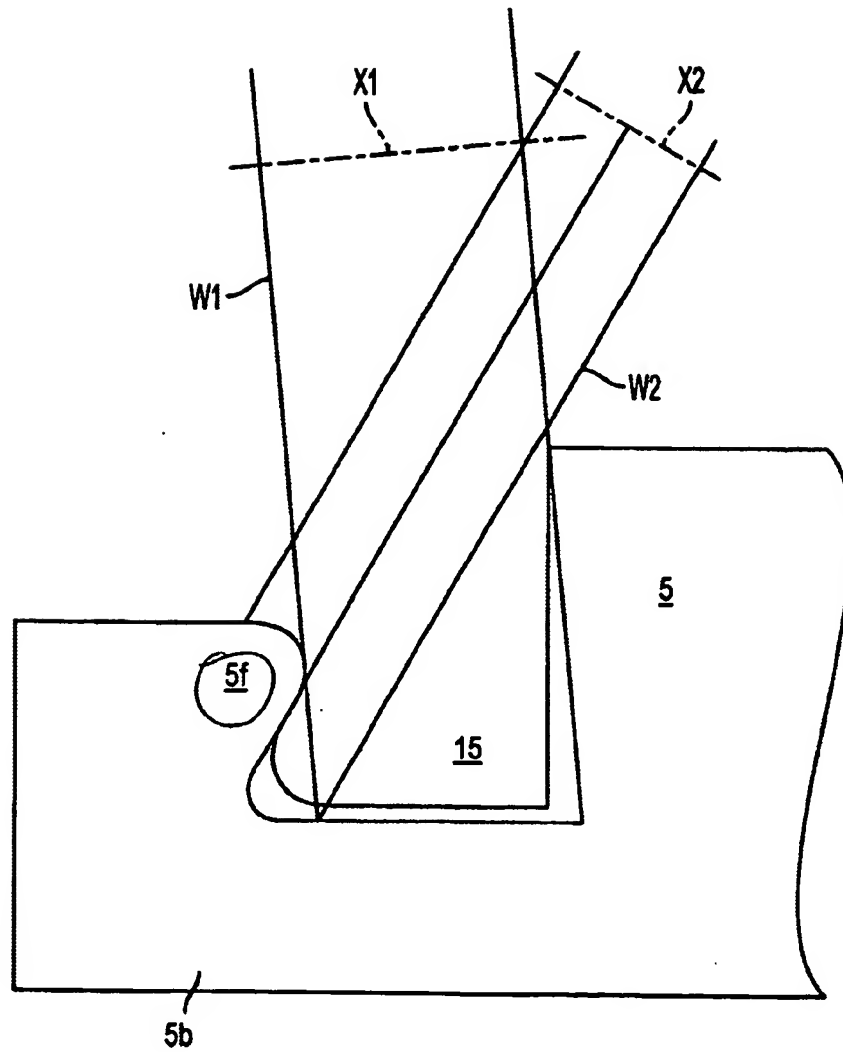


FIG. 4